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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,011	01/10/2000	DEAN F. JERDING	A-5243	3800

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SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
5030 SUGARLOAF PARKWAY  
LAWRENCEVILLE, GA 30044

EXAMINER
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SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/24/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/24/2007.

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PTOmail@sciatl.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/480,011	<b>Applicant(s)</b> JERDING ET AL.	
	<b>Examiner</b> James Sheleheda	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-25 and 36-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 36 and 47-49 is/are allowed.
- 6) ☒ Claim(s) 20-25 and 37-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/20/07 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 20-25 and 37-46 have been considered but are moot in view of the new ground(s) of rejection over Hendricks et al. (5,659,350) disclosing the use of a plurality of application servers contained within the headend.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 20, 21, 23-25 and 37-40, 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III (Matthews) (5,874,985) (of record) in view of Hendricks et al. (Hendricks) (5,659,350).

As to claim 20, while Matthews discloses a system for providing customizable messages over a television system to a communications terminal for presentation to a user (Fig. 1; column 1, lines 9-12), comprising:

a multimedia messaging server (Fig. 1; service and application server 202a) that receives (based on decisions of an operator; column 2, lines 67-65, column 3, lines 1-5 and column 7, lines 35-39) a first and second message configuration (see Fig. 4A-4B; column 6, lines 14-21) and associates the first and second message content (see Fig. 4A-4B; column 6, lines 21-25 and column 7, lines 35-39) for presentation to a user according to the first and second message configurations (see Fig. 4A-4B; column 6, lines 48-53) and generates a first and second request according to the first and second message configurations, respectively (see Fig. 4A-4B; column 6, lines 30-37), the first and second requests including the first and second message content and a first and second message configuration expression, respectively (see Fig. 4A-4B; column 6, lines 12-18) for delivery over a television system to the communications terminal associated with the user (column 6, lines 30-37), wherein the multimedia messaging server is located in a headend (see Fig. 1), the multimedia messaging server being capable of managing the delivery of the first and second requests over the television system to the communications terminal (managing message content and delivery; column 7, lines 35-39 and column 5, lines 44-48); and

a multimedia messaging client (Fig. 1; controller 20) that receives the first and second requests (column 6, lines 44-47) and associates the first and second message content and the first and second message configurations for presentation of the first and second message content according to the first and second message configurations (column 6, lines 44-53), the first message configuration describing a first presentation format for the first message that is different than a second presentation format of the second message (see Fig. 4A-4B; column 6, lines 12-18), he fails to specifically disclose a first and second applications server that generates the first and second message configurations and a first and second message content based upon the first and second message configurations, each application server being capable of providing interactive services to a communications terminal to communicate over the television system, wherein the first and second application servers and the multimedia messaging server are located in the headend, the multimedia messaging server being capable of managing the delivery of the request over the television system to the communications terminal, thereby conserving system bandwidth.

In an analogous art, Hendricks discloses a digital television distribution system (Fig. 1; column 3, lines 5-57) including a headend (Fig. 1, operations center, 202) which utilizes first and second application servers (Fig. 4 and 5; workstations, 262, for different CAP subroutine functions; column 15, lines 6-55, column 22, lines 6-16 and column 15, lines 6-27) capable of providing interactive services to a communications terminal to communicate over the television system (Fig. 6; column 13, line 28-column 14, line 34 and column 15, lines 6-55 and column 22, lines 6-16) which generate first and second

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message configurations (column 11, lines 1-54 and column 15, lines 6-19) and a first and second message content based (such as advertisements, billing messages and program information; column 11, lines 21-54 and column 12, lines 43-50) upon the first and second message configurations (column 11, lines 21-54 and column 12, lines 43-50) which are transmitted to a multimedia messaging server (Fig. 5; 279, output equipment, column 17, lines 45-48) which manages the delivery of the messages (column 17, lines 45-48), thereby conserving system bandwidth (by compressing all of the content before transmission; column 17, lines 45-48) for the typical benefit of allowing the creation and customization of new configurations as desired (column 22, lines 6-16 and column 11, lines 1-54).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Matthew's system to include a first and second applications server that generates the first and second message configurations and a first and second message content based upon the first and second message configurations, each application server being capable of providing interactive services to a communications terminal to communicate over the television system, wherein the first and second application servers and the multimedia messaging server are located in the headend, the multimedia messaging server being capable of managing the delivery of the request over the television system to the communications terminal, thereby conserving system bandwidth, as taught by Hendricks, for the typical benefit of providing a means for the system to update and customize configuration information, as desired.

As to claim 21, Matthews and Hendricks disclose wherein the message configuration expression comprises a location reference (identifying the message format in memory the set top is to retrieve; see Matthews at column 5, lines 60-67 and column 6, lines 44-47) that is utilized by the multimedia messaging client in retrieving the message configuration for use in presenting the message content by the communications terminal (see Matthews at column 6, lines 44-46).

As to claim 23, Matthews and Hendricks disclose a database of message configurations (see Hendricks at column 11, lines 1-54), the database accessible by the multimedia messaging server (see Hendricks at Fig. 1).

As to claim 24, Matthews and Hendricks disclose wherein the multimedia messaging client (see Matthews at Fig. 2; controller 20) includes a client application (graphics subsystem, 72) and a configuration manager (CPU, 66), wherein the configuration manager provides the client application (see Matthews at column 6, lines 44-46 and column 4, lines 48-52) with the first and second message configurations associated with the first and second message content (see Matthews at Fig. 4A-B; column 5, lines 60-67 and column 6, lines 1-5).

As to claim 25, while Matthews discloses a system for delivery of multimedia messages, comprising:

a multimedia messaging server (service and application servers, 202a) which generates a request (column 7, lines 35-39) that comprises message content (the message of text, audio or video; column 6, lines 14-25 and column 7, lines 35-39) and a reference to a location of one of the predefined message configurations (column 5, lines 60-67 and column 6, lines 44-47) for delivery over a television system to a communications terminal associated with a user (Fig. 1; column 6, lines 12-14),

a multimedia messaging client application located in a communications terminal (controlling the assembly and display of the messages; column 6, lines 1-65),

wherein the multimedia messaging servers is located in a headend (see Fig. 1), the multimedia messaging server being capable of managing the delivery of the request over the television system to the communications terminal (managing message content and delivery; column 7, lines 35-39 and column 5, lines 44-48),

he fails to specifically disclose a plurality of applications servers, in which each of the plurality of application servers generates message content that has a different presentation format than a presentation format of the message content generated by other application servers of the plurality of application servers, a database of predefined message configurations coupled to the multimedia messaging server, wherein each of the plurality of application servers delivers the message content to the multimedia messaging server, wherein the plurality of application servers and the multimedia messaging server are located in the headend, the multimedia messaging server being capable of managing the delivery of the request over the television system to the communications terminal, thereby conserving system bandwidth.



In an analogous art, Hendricks discloses a digital television distribution system (Fig. 1; column 3, lines 5-57) including a headend (Fig. 1, operations center, 202) which utilizes first and second application servers (Fig. 4 and 5; workstations, 262, for different CAP subroutine functions; column 15, lines 6-55 and column 22, lines 6-16) capable of providing interactive services to a communications terminal to communicate over the television system (Fig. 6; column 13, line 28-column 14, line 34 and column 15, lines 6-55 and column 22, lines 6-16) which generate first and second message configurations (column 11, lines 1-54 and column 15, lines 6-19) and a first and second message content based (such as advertisements, billing messages and program information; column 11, lines 21-54 and column 12, lines 43-50) upon the first and second message configurations (column 11, lines 21-54 and column 12, lines 43-50) which are transmitted to a multimedia messaging server (Fig. 5; 279, output equipment, column 17, lines 45-48) which manages the delivery of the messages (column 17, lines 45-48), utilizing a database of predefined message configurations coupled to the multimedia messaging server (column 15, lines 50-58) thereby conserving system bandwidth (by compressing all of the content before transmission; column 17, lines 45-48) for the typical benefit of allowing the creation and customization of new configurations as desired (column 22, lines 6-16 and column 11, lines 1-54).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Matthew's system to include a plurality of applications servers, in which each of the plurality of application servers generates message content that has a different presentation format than a presentation format of the message

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content generated by other application servers of the plurality of application servers, a database of predefined message configurations coupled to the multimedia messaging server, wherein each of the plurality of application servers delivers the message content to the multimedia messaging server, wherein the plurality of application servers and the multimedia messaging server are located in the headend, the multimedia messaging server being capable of managing the delivery of the request over the television system to the communications terminal, thereby conserving system bandwidth, as taught by Hendricks, for the typical benefit of providing a means for the system to update and customize configuration information, as desired.

As to claims 37 and 42, Matthews and Hendricks disclose wherein at least one of the plurality of the application servers comprises an emergency alert system server (generating an emergency alert message; see Matthews at Fig. 4A).

As to claim 38 and 43, Matthews and Hendricks disclose wherein at least one of the plurality of application servers comprises a virtual channel system server (column 23, lines 24-58 and column 28, lines 12-38).

As to claims 39 and 44, Matthews and Hendricks disclose wherein at least one of the plurality of application servers comprises a messaging service server (column 11, lines 47-54 and column 12, lines 30-50).

As to claims 40 and 45, Matthews and Hendricks disclose wherein at least one of the plurality of the application servers comprises a business application support service server (column 22, lines 6-49).

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews and Hendricks as applied to claim 20 above, and further in view of Jennings (5,781,186) (of record).

As to claim 22, while Matthews and Hendricks disclose a message configuration expression for use in presenting the message content by the communication terminal, he fails to specifically disclose wherein the message configuration expression comprises the message configuration.

In an analogous art, Jennings discloses a multimedia messaging system (Fig. 1; column 1, lines 7-8) wherein the presentation of messages is determined by presentation components contained within the message itself (column 1, lines 63-67 and column 2, lines 1-4) for the advantage of enabling a message to specify exactly how it should be presented without the need for any additional programming or equipment (column 2, lines 25-40).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Matthews and Hendricks system to include wherein the message configuration expression comprises the message configuration, as taught by Jennings, for the advantage of enabling a message to specify exactly how it should be

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presented without the need for any additional programming or equipment to be incorporated into the existing messaging system.

6. Claims 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews and Hendricks as applied to claims 20 and 45 above, and further in view of Hashimoto et al. (Hashimoto) (5,931,905) (of record).

As to claims 41 and 46, while Matthews and Hendricks disclose application servers communicatively coupled to the multimedia messaging client, they fail to specifically disclose an email server remotely located from the headend coupled to the multimedia messaging client.

In an analogous art, Hashimoto discloses a TV mail system (Fig. 1) incorporating message transmission over the cable network (column 1, lines 58-62) wherein an application server remotely located from the headend (20, Fig. 1) coupled to multimedia messaging client (Fig. 1, 10) allowing transmission and receipt of email messages (column 10, lines 1-44) for the typical benefit of providing an electronic message system without the need for a personal computer (column 5, lines 26-30).

Consequently, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Matthews and Hendricks' system to include an email server remotely located from the headend coupled to the multimedia messaging client, as taught by Hashimoto, for the typical benefit of providing an electronic message system without the need for a personal computer

***Allowable Subject Matter***

7. Claims 36 and 47-49 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In regard to claims 36 and 47-49, the prior art, alone or in combination, does not teach or fairly suggest a multimedia messaging server generating a request including a reference to a location of message content located on a carousel file server system and a reference to a location of the message configuration located on the carousel file server system...wherein upon receiving the request, the multimedia messaging client application retrieves the message content and the message configuration at the referenced locations of the carousel file server system and associates the message content and the message configuration for presentation of the message content according to the message configuration.

The Matthews reference (5,874,985) discloses transmitting the message content and a reference to the location of the message configuration located in the receiver system and wherein the multimedia messaging client application retrieves the message content and the message configuration and associates the message content and the message configuration for presentation of the message content according to the message configuration. However, Matthews fails to disclose transmitting a reference to the message content and message configuration located on a file carousel server located within the headend.

The Hendricks reference (5,659,350) discloses transmitting the message content and the message configuration to the receiver system and wherein the multimedia messaging client application retrieves the message content and the message configuration and associates the message content and the message configuration for presentation of the message content according to the message configuration. However, Hendricks fails to disclose transmitting a reference to the message content and message configuration located on a file carousel server located within the headend.

The Tanaka reference (5,659,350) discloses transmitting a reference to content to a television receiver to allow the retrieval of additional content by the receiver system. However, Tanaka fails to disclose transmitting a reference to the message content and message configuration located on a file carousel server located within the headend.

### ***Conclusion***

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Registration Number: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Sheleheda  
Patent Examiner  
Art Unit 2623

JS



**SCOTT E. BELIVEAU**  
**PRIMARY PATENT EXAMINER**